

## MISSOURI LAW HELD INVALID

State Cannot Forfeit Railway  
Charters Because of Suit  
Brought in Federal Court.

CASE WILL BE APPEALED

OPINION HANDED DOWN BY  
SMITH M'PHERSON.

Kansas City, Jan. 20.—Judge Smith McPherson, in the United States district court here today, declared void and unconstitutional the statute passed by the Missouri legislature in 1907 forbidding foreign corporations from transferring suits brought against them from the state to the federal courts upon pain of forfeiture of their charters. The application of the Rock Island, the Santa Fe, the St. Louis, Kansas City & Colorado, the Milwaukee & St. Paul and the Chicago & Alton Railway companies for an injunction to prevent John E. Swanger, secretary of state, enforcing the law, was granted by the court.

## COULDN'T MOVE ARMS OR LEGS

A Detroit Contractor, Believed  
to Be Dying of Rheumatism,  
Cured by Dr. Williams' Pink Pills.

Mr. George M. Glading, a contractor, of 16 Dumontier street, Detroit, Mich., and a member of the Modern Woodmen of America, Camp 937, of Custer, is certain that Dr. Williams' Pink Pills saved his life. He says: "In my younger days I was in charge of men getting out timber in northern Michigan and was exposed to all kinds of weather and for years had never soiled myself from work or exposure. As a result of this and stomach trouble, I was completely run down during the spring of 1903 and fell an easy victim to an attack of rheumatism. I had the services of two doctors in Detroit, who, after attending me for several months, said I could never get well. By this time I was helpless, my entire body seemed to be paralyzed and I couldn't move my arms or legs.

"The doctors advised me to go to my old home in Custer where I could be cared for during the remaining few days or weeks I had to live. My lodge met me and I went home, where I had a nurse and employed our family physician to give me what aid he could, although he agreed with the doctors of Detroit, that I could not live.

"As I lay in bed I thought there must be something radically wrong in the treatment I was getting. I had no desire to quit life at my age and decided to try Dr. Williams' Pink Pills, which I had heard some relatives say they had used. I bought one dozen boxes and commenced to take them at once, following the directions in every particular. For two weeks it was a life and death struggle, but Dr. Williams' Pink Pills finally won, for I began to have some feeling in my feet. After using the pills steadily for six weeks I could walk across the room and six weeks later was doing light work. My friends and doctors were dumbfounded at my recovery. That was nearly four years ago and to-day I am employing more men than I used to and am working longer and harder than any of them."

Dr. Williams' Pink Pills are sold by all druggists, or will be sent, postpaid, on receipt of price, 50 cents per box; six boxes for \$2.50, by Dr. Williams Medicine Company, Schenectady, N. Y.

## Not in a Milk Trust Horlick's Malted Milk

The original and genuine  
Avoid cheap substitutes  
At your Soda Fountain

A glass of Horlick's Malted Milk—hot—makes a delicious and refreshing lunch on a cold day.

Ask for Horlick's  
At All Druggists

Stirring the powder in hot water makes a nourishing, digestible food-drink, better than tea or coffee—no cooking. A cupful—hot—on retiring induces restful sleep.

## Trusses

properly adjusted to wear comfortably—or money refunded.

More than that: We will give you the benefit of our expert knowledge, for we have made a study of trusses.

## Druehl & Franken

271 Main. Bell 100 and 188 Ind. 100.

Also crutches, rubber stockings—stock and made to order.

decision is based provides, specifically, that if any foreign or non-resident railway corporation, created and existing under the laws of any other state and doing a railway business from one point in the state to another point within the state, shall, without the written consent of the party, remove a case from the state court to a United States court, or shall, without said written consent, institute any suit against a citizen of the state in any federal court, then the secretary of state shall revoke the license to do business, from one point within the state to any other point within the state, either in carrying freight or passengers, and doing such business shall subject it to a penalty of not less than \$2,000 and not more than \$10,000 for each offense. And such disability shall continue for five years. It is provided in this case that complainant is about removing a case and the secretary will follow that by revoking its right to do business. The defendant contends that this is in effect an action against the state, in violation of the eleventh amendment to the constitution. The complainant contends that the act of 1907 impairs its contract with the state, and denies it the equal protection of the law if enforced.

**McPherson's Decision.**  
Judge McPherson in his decision goes into the law of the case at great length and quotes freely from previous decisions to sustain his decision. The decision in part follows: "This is a case of the criticism by many laymen as well as many lawyers to the effect that United States courts have no right, nor even the power to decree the invalidity of state statutes. The argument, or rather, the talk, is that the people know what they need, and that their representatives in legislature assembled alone should determine what statutes we must have. And when so determined and evidenced by legislative enactment, that the courts should not interfere by decree, and thereby thwart the legislative will. In other words, that it is well to limit the powers of executives and courts, but a written constitution restraining legislative bodies is all wrong, and that Great Britain has the model government. Officers of the state," continued Judge McPherson in his decision, "too often deny the power of the nation. State rights is their shibboleth," he added.

**Extreme of State's Rights.**  
The most attractive argument to some lawyers of recent days is that the state courts alone in the first instance should pass upon the question as to the validity of state statutes with the right of the offended party to carry the case for final decree to the supreme court of the United States. Such arguments are plausible, and are convincing to many good people, but are so dangerous as to amount to a heresy. It is the extreme of state rights in a new form."

Judge McPherson cited a decision of the Wisconsin state supreme court, which upheld a state statute under which an insurance company's charter had been revoked for removing a case to a federal court. In this case, however, he says the company had no property in the state, and had made no investments therein.

"In the case at bar," he says, "license to do business is not the question. Each company invested millions of dollars and it is now in the state and can not be removed. To prevent it from doing business means appropriating its property, or destroying it, without making any compensation therefor."

**Investors Lose All.**  
"It was invited to come into the state and was told by the law then in force that it should have the same and like benefits as resident companies, with benefits as great and with burdens no greater. After these investments had been made, and which can not be withdrawn, it is declared by legislation that no kind of litigation shall be carried on by it in any court other than the state courts, but leaving to the railway corporation organized under the laws of the state to go to the national courts with its litigation of all kinds arising under the laws or constitution of the United States. The state corporation, organized under the laws, may sue or be sued in any court, state or national, if there is a federal question, but a foreign corporation doing business as a competitor must at all times be subject to the state courts; or if it ventures into a national court then the investors lose all."

In concluding, Judge McPherson holds as follows: "The Missouri statute of 1907 is void, because it allows a resident company to sue in the federal court, if there is a federal question, and denies the right to a non-resident company. Regardless of the last preceding statement, the statute is void because it seeks to take from the complainant its right to bring or remove a case to the United States court, which right is given by the constitution and the act of congress, which by article 6 of the constitution is declared to be the supreme law of the land, anything in the constitution or laws of any state to the contrary notwithstanding."

"The statute is void because it is an effort to not only impair, but to repudiate the contract of the state made with the company, by which it was induced to come into the state, making investments in large sums, and was authorized to do a state business, but now declaring that it shall not do such business, thereby rendering it insolvent, and taking from the people along its line the use of the railway for state business, the company will surrender under coercion rights given it by the national constitution and valid enactments of congress."

**Rule Not Conclusive.**  
"This court recognizes the rule that presumptively all legislation is valid, but it is only a presumption, and in no sense conclusive."

"This court recognizes that all doubts should be solved in favor of upholding legislation, but there are no doubts in this case."

"This court recognizes that the secretary of state will be enjoined from that which he is commanded to do by state legislation. But it is also well known that if this court is in error, there can be a reversal by the supreme court."

**Under the New Pure Food Law**  
All Food Products must be pure and honestly labelled.

**BURNETT'S VANILLA**  
was fifty years ahead of the Law. It was always pure Vanilla. Every bottle you buy bears this label: "Guaranteed Under the Food and Drugs Act, June 30th, 1906." Serial Number 91, which has been assigned to us by the U. S. Dept. of Agriculture.

JOSEPH BURNETT CO., BOSTON, MASS.

## JEROME SHOUTS HIS QUESTIONS

District Attorney Attempts to  
Terrorize Evelyn Nesbit  
Thaw on Witness Stand.

WITNESS IS UNRUFFLED

JUDGE DECIDES AGAINST CLOSING OF DOORS.

New York, Jan. 20.—Mrs. Evelyn Nesbit Thaw told her story today for the second time in the case which looked the vitality of the first trial, but the crowd in the court room where her husband, Harry Kendall Thaw, is on trial for the killing of Stanford White, listened intently to her story. Justice Dowling had ruled that he found nothing in the law for closing the doors against the public, and there was a great clamor for admittance from a throng which hung about the building all day long. Mr. Jerome, failing in his move to exclude spectators, took occasion, when it came his turn to cross-examine the witness, to bring out all of the details of the first trial which Mr. Littleton of the defense had omitted on his direct examination of the witness. Mr. Jerome also sought to block Mrs. Thaw's testimony in its entirety on the ground that a conversation which occurred three years before the tragedy could not have been bearing on the mind of Thaw on the night of the homicide. Justice Dowling overruled the objection.

**All-Day Grilling.**  
Mrs. Thaw was on the stand all day long, and Mr. Jerome announced when adjournment for the day was taken that his cross-examination would occupy a greater part of tomorrow's session.

Mrs. Thaw's story was broken into bits by constantly repeated objections from the prosecution, who sought to exclude all details on the ground of immateriality. The frequent objections led Justice Dowling to request Mr. Littleton to cut this examination as short as possible. Mr. Littleton took the course indicated, only to find that on cross-examination, Mr. Jerome insisted upon reading from last year's record nearly every word the witness had then uttered. He did this under the privilege of framing new questions.

**Jerome Shows Contempt.**  
Mr. Littleton objected to his declaring that the district attorney by reading the former testimony in a disgraceful manner, was trying to discredit the witness in the eyes of the jury, when he could not discredit her in any way by a direct question. Mr. Jerome made no attempt to disguise a tone of complete contempt in reading the testimony. Contempt also characterized most of the questions put to the witness, whom he attacked in long and bitter harangues. He did this under the privilege of framing new questions.

Mr. Littleton's objection on the ground of "offensiveness and immateriality" frequently were sustained by the court.

**Match for the Attorneys.**  
Mrs. Thaw matched wits against both District Attorney Jerome and his assistant, Mr. Garvan, who was ever at his chief's elbow with new suggestions. She fenced with them as skillfully as she did a year ago, and at times reflected the mood of the district attorney by answering in a voice pitched as low as a key as his own.

The prosecutor's pitiless and aggressive questions often struck fire, and once, when Mr. Jerome demanded to know if the young woman had told Thaw certain things, she replied: "Yes, I told him, but I did not use the language you are using."

"Don't argue with me, madam," shouted Jerome, who then had the reply stricken from the record.

**One New Point.**  
But one new feature appeared in the testimony of the witness. This was when she told about Thaw swallowing the contents of a bottle of laudanum at Monte Carlo in 1904, in an attempt to end his life. Previously to this, at the Grand Hotel in New York, Thaw had talked of suicide, his wife declared, and had suggested that she should poison, as both their lives had been ruined. Mrs. Thaw said she humored Thaw at the time and diverted his mind. She was out of the room when he finally took the poison.

"Why didn't you tell us about this at the first trial?" demanded Mr. Jerome.

Mr. Delmas said it might make Harry too crazy," the witness retorted, before the district attorney could stop her.

**NARROWLY ESCAPED WITH THEIR LIVES**

Telluride, Colo., Jan. 20.—Ten passengers, occupants of the smoking car on the regular train from Durango to Telluride, narrowly escaped death in a wreck on the Rio Grande Southern railroad at Vance Junction last night. A broken rail threw the baggage car and smoker from the track. The smoker toppled over on its side and took fire from an overturned stove. The passengers were only slightly hurt.

**THOUSANDS SEEK WORK.**

Seattle, Jan. 20.—About 3,000 unemployed men marched to the mayor's office this afternoon to ask for work. Most of them are lumbermen who have been driven to the city by the closing of mills and camps.

court within less than a year or less time.

"There is but a single question presented to the administration, which has staked the success of its campaign against the 'trusts' upon the result of its attack upon this company, endeavors to offset this influence, and hence the new deliverance of Commissioner Smith."

We need hardly to point out that his rebuttal argument is extremely weak, although as strong, no doubt, as the circumstances would warrant. He answers the points made by President Moffett substantially as follows: (1) The Standard Oil company had a traffic department, and should have known that the six-cent rate had not been filed, (2) no answer, (3) the Chicago & Eastern Illinois rate was a secret rate because it read, not from Whiting, but from Dolton, which is described as a village of about 1,500 population just outside of Chicago. Its only claim to note is that it has been for many years the point of origin for this and similar secret rates. The commissioner admits in describing this rate that there was a note attached stating that the rate could also be used from Whiting.

The press has quite generally hailed this statement of the commissioner of corporations as a conclusive refutation of what is

25 oz. for 25c  
is the price of  
**KC**  
Baking Powder  
The Best in the Land!  
ALL GROCERS

## STOCK GROWERS AT DENVER

Convention of American Association  
Opens Today—John W.  
Springer's Outburst.

Denver, Jan. 20.—Hundreds of prominent stock growers from all parts of the country arrived in this city today to attend the convention of the American Live Stock association, which opens tomorrow.

The western stock show was formally thrown open to the public this morning. It is beyond question the largest display of the kind ever seen outside of the mammoth international live stock show in Chicago, and in its carload entries it is the finest in the history of the cattle raising industry.

Preliminary to the meeting of the National association, the Colorado Cattle and Horse Growers' association met today. President John W. Springer made an address which was the sensation of the convention. He said that the United States senate was an aggregation of millionaires put there by the trusts. He criticized the strict protectionists of Massachusetts, who demanded a reduction of the tariff on wool and hides, but pooh-poohed the westerners' cry for a reduction on shoes and clothes.

Railroads, life insurance companies and other corporate and trust interests, he said, must be made to cease the monopolizing of utilities and necessities. "If they do not cease their tactics," he said, "I know there is not a man in this hall who will not rise up and compel them, if it is necessary to hang them as you would rag babies."

**How to Avoid Pneumonia.**  
You can avoid pneumonia and other serious results from a cold by taking Foley's Honey and Tar, it stops the cough and expels the cold from the system as it is mildly laxative. Refuse any but the genuine in the yellow package. F. J. H. Drug Co., "The Never Substitutes."

## MURDER MYSTERY SOLVED

Dead Bodies of Three Italians Found  
at Florence, Colo.—Partial  
Confession of Suspect.

Florence, Colo., Jan. 20.—The dead bodies of three of the four Italians whose disappearance from this city in the last three months has baffled the police were found today buried at a distance of about 150 yards from the home of Antonio Nernino, alias An-

tonio Bavori, who is under arrest, charged with the murder of the four persons. The corpses are those of Dominio Minichello, who was a partner of Nernino in a market gardening business; Ercole Buffetti, an employee of the garden, and Mrs. Frank Palletto, who had been Nernino's housekeeper. Minichello's throat had been cut from ear to ear and was held to the trunk by a mere thread. Buffetti had been struck on the head with a sharp implement, probably an axe, his

skull being split open. The woman also had been killed by a blow on the head. A vigorous search is now being made for the body of the fourth missing person, a brother of Minichello.

Nernino disclosed the hiding place of the bodies when taken to the scene of the crimes and threatened with immediate hanging if he did not tell all that he knew about the murders. However, he declared that the murders were committed by Joseph Minichello, the missing man, and not by himself.

**BANKERS UNDER ARREST.**  
Rocky Ford, Colo., Jan. 20.—President John E. Gidding, Cashier E. J. Smith and Assistant Cashier C. W. Barkley, Jr., of the defunct State Bank of Rocky Ford, were arrested this afternoon, charged with accepting deposits after they knew the institution was insolvent. They promptly furnished bonds in the sum of \$5,000 each, and were released. The complaining witness is C. H. Jackson, who deposited \$38 with the state bank on Dec. 27.

# "The Paris"

## The Sensational Trimmed Hat Sale

Has captured the town. The Millinery Department  
was crowded all day Monday. Tuesday will be another big day. Read the Price Reductions:

\$3.50	\$6.00	\$10.00
Trimmed Hats	Trimmed Hats	Trimmed Hats
<b>\$1.40</b>	<b>\$1.90</b>	<b>\$2.90</b>

## \$1.95 SENSATIONAL Waist Sale \$1.95

This counter was crowded all day Monday. Many new Waists will be added today. Waists up to \$4.00 and \$4.50 have been cast into this great Slaughter Sale. This Sale comprises our entire line of beautiful Nun's Veilings, Albatross and fine Sicilians. ATTEND THE SALE TODAY.

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